

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

IN RE:	*	CHAPTER 13
JASON GILLESPIE	*	CASE NO. 18-12210-JDW
Debtor.	*	

**OBJECTION TO CONFIRMATION AND OBJECTION TO  
DEBTOR'S MOTION FOR VALUATION**

Now comes Creditor, VANDERBILT MORTGAGE AND FINANCE, INC., by and through its attorneys, Kent McPhail & Associates, LLC, and objects to confirmation of the Debtor's proposed plan and objects to Debtor's motion for valuation and in support thereof states as follows:

1. Creditor is a secured creditor in the above referenced Chapter 13 proceeding. The Debtor financed the purchase of a 2016 28X56 Clayton Homes, Inc., mobile home through Creditor.

2. The plan improperly identifies the collateral as a "2015 Clayton Home" when the accurate year manufactured is "2016".

3. The Creditor objects to the value proposed to be paid in the Plan. The Plan proposes to pay \$47,000.00 but the actual value is \$56,494.10.

4. 11 U.S.C. §1325(a)(5)(b)(ii) requires interest to be paid on an allowed secured claim post confirmation. The debtor's plan as proposed does not provide for adequate interest to be paid on the claim of the Creditor post-confirmation. As such, the plan as proposed violates 11U.S.C. § 1325(a), Under the Till opinion, interest should be provided at an amount equal to the current published prime rate, plus one, two or three interest rate points.

WHEREFORE, Creditor prays for an Order denying confirmation and denying debtor's motion for valuation along with such further relief as the Court may deem proper.

/s/ KENT D. MCPHAIL

KENT D. MCPHAIL

MS BAR NO. 2800

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served this 18th day of July 2018, to the parties listed below by the service method indicated:

U.S. MAIL FIRST CLASS POSTAGE PREPAID

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/s/ KENT D. MCPHAIL

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